

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
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Trustee for Debtor

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In Re:

MARJAN MONIQUE BAKER

Debtor

) Chapter 13  
) Case No. 18-50134 MEH

) **REQUEST FOR ENTRY OF ORDER**  
) **DISMISSING CASE FOR**  
) **FAILURE TO MAKE FIRST PLAN**  
) **PAYMENT**  
) **(with Certificate of Service)**

**TO DEBTOR AND DEBTOR'S ATTORNEY (IF ANY):**

DEVIN DERHAM-BURK, Chapter 13 Standing Trustee, ("Trustee") requests an order dismissing this case pursuant to 11 U.S.C. §1307(c)(4) incorporating §1326(a)(1) because the Debtor has failed to make a first plan payment.

1. The petition in this case was filed on January 22, 2018. The plan in this case was filed on February 05, 2018.

2. More than thirty (30) days have elapsed since the earlier of the filing of the petition or plan and the Debtor has not remitted the initial plan payment which may include the first post-petition mortgage payment(s).

3. Pursuant to 11 U.S.C. §1326(a)(1) a debtor shall commence making plan payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier.

1       4. On February 07, 2018 the Debtor and all creditors were served with a copy of the "Notice  
2 of Chapter 13 Bankruptcy Case, Meeting of Creditors and Deadlines" which provides clear notice  
3 to the Debtor and all creditors that the case is subject to dismissal without further notice for failure  
4 to make the initial Chapter 13 payment.

5       5. The Trustee requests that the court dismiss this case without prejudice pursuant to 11  
6 U.S.C. §1307(c)(4) for the Debtor's failure to comply with 11 U.S.C. §1326(a)(1).

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8 I, DEVIN DERHAM-BURK, Chapter 13 Standing Trustee declare under penalty of perjury that  
9 the foregoing statements are true and correct and if called upon to testify thereto, I could and would  
10 competently so testify. Executed in Los Gatos, California on March 05, 2018.

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13                               /s/ Devin Derham-Burk  
14                               Devin Derham-Burk  
15                               Chapter 13 Standing Trustee  
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2 **CERTIFICATE OF SERVICE BY MAIL**  
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4 I hereby declare that I am over the age of 18 years, not a party to the within cause; my business  
5 address is 983 University Ave., Bldg. C-100, Los Gatos, CA 95032. I served the within Request  
6 for Entry of Order Dismissing Case for Failure to Make First Plan Payment, by placing same in an  
7 envelope in the U.S. Mail at Los Gatos, California on March 05, 2018. Said envelopes were  
8 addressed as follows:

9 MARJAN MONIQUE BAKER  
10 P O BOX 54201  
SAN JOSE, CA 95154

11  
12 THE FULLER LAW FIRM  
13 60 N KEEBLE AVE  
SAN JOSE, CA 95126  
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21 /s/ Tania Ribeiro

22 Office of DEVIN DERHAM-BURK  
23 Chapter 13 Standing Trustee  
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